THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2031 of 2005

Dated: 26-10-2006

Between:

Etti Sreeramulu Reddy.

..... PETITIONER

AND

The District Collector, Chittoor, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.2031 of 2005

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in trying to dispossess the petitioner from the land admeasuring Acs.2.00 in survey No.182/2 situated at Damineedu Village, Tirupathi Rural Mandal in Chittoor District as illegal and arbitrary.

This Court, while admitting the writ petition on 10-02-2005, granted interim orders directing the respondents to maintain *status quo* as to the nature and possession of the land. The respondents have now filed W.V.M.P.No.1595 of 2006 for vacating the interim orders. The matter is heard finally at this stage.

It is the case of the petitioner that his father late Etti Sreeramulu Reddy purchased the subject land from Adimoolam Srinivasulu under registered sale deed dated 25-11-1942 and was cultivating the land, and after the death of his father, the petitioner has been allegedly cultivating the land. However, respondent No.2 so as to assign the subject land as house site pattas, without issuing notice, is trying to dispossess the petitioner.

In the counter-affidavit filed by the Mandal Revenue Officer (MRO), Tirupati (Rural) Mandal, the allegations in the affidavit accompanying the writ petition are denied. It is stated that Damineedu Village is Inam estate, which was taken over by the Government on 25-09-1961 under the provisions of the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 and that after completing survey and settlement, as many as 205 rough pattas were granted. When the list of pattadars was verified, the name of the father of the petitioner was not found. It is further stated that the land in said survey number is classified as Anadeenam assessed waste dry. The allegation that the petitioner is in possession is denied.

The learned counsel for the petitioner during the course of making submissions brought to the notice of this Court that the petitioner has made an application to the Inams Settlement Officer for grant of ryotwari patta after filing the writ petition and the same is pending. If that be so, there cannot be any objection for considering the same. Such application may be disposed of by the Settlement Officer within a period of six months from the date of receipt of a copy of this order. Insofar as this writ petition is concerned, no relief can be granted. If ultimately the petitioner succeeds before the Settlement Officer in getting the ryotwari patta, he can seek appropriate steps for implementing the same.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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V.V.S.RAO, J

26th October, 2006
ghn